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AMENDED IN ASSEMBLY JUNE 2, 2003
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CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 177

**Introduced by Assembly Member Oropeza
(Coauthors: Assembly Members Levine, Longville, and Nunez)**

January 23, 2003

An act to amend Sections 9084, 13300, and 14105 of, to add Section 14105.3 to, and to add Chapter 5 (commencing with Section 2300) to Division 2 of, the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 177, as amended, Oropeza. Elections.

Existing law sets forth requirements and entitlements with respect to the right to vote in California elections. Among the requirements for voters is United States citizenship. Existing law further gives voters specified rights concerning the casting of ballots by voters, the receipt of election materials and other voting information, and the reporting of illegal or fraudulent activity as to the electoral process.

This bill would *restate that all voters must be citizens of the United States and would establish a Voter Bill of Rights* enumerating the rights of voters as established under existing law and would require voters to be informed of the Voter Bill of Rights.

Existing law requires ballot pamphlets to include specified information and requires local elections officials to provide certain information at all precinct offices, and to post specified information at polling places on election days.

This bill would require ballot pamphlets to also include the Voter Bill of Rights and would require the local elections officials to include the Voter Bill of Rights in information provided to precinct offices and posted at polling places.

Because this bill would increase the duties of local elections officials, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 5 (commencing with Section 2300) is
2 added to Division 2 of the Elections Code, to read:

3

4 CHAPTER 5. VOTER BILL OF RIGHTS

5

6 2300. (a) *All voters, pursuant to the California Constitution*
7 *and this code, shall be citizens of the United States.* There shall be
8 a Voter Bill of Rights for voters, available to the public, which shall
9 read:

10 (1) You have the right to cast a ballot if you are a valid
11 registered voter.

12 (2) You have the right to cast a provisional ballot if your name
13 is not listed on the voting rolls.



1 (3) You have the right to cast a ballot if you are present and in
2 line at the polling place prior to the close of the polls.

3 (4) You have the right to cast a secret ballot free from
4 intimidation.

5 (5) (A) You have the right to receive a new ballot if, prior to
6 casting your ballot, you believe you made a mistake.

7 (B) If at any time before you finally cast your ballot, you feel
8 you have made a mistake, you have the right to exchange the
9 spoiled ballot for a new ballot. Absentee voters may also request
10 and receive a new ballot if they return their spoiled ballot to an
11 elections official prior to the closing of the polls on election day.

12 (6) You have the right to receive assistance in casting your
13 ballot, if necessary.

14 (7) You have the right to return a completed absentee ballot to
15 any precinct in the county.

16 (8) You have the right to election materials in another language,
17 if there are sufficient residents in your precinct to warrant
18 production.

19 (9) (A) You have the right to ask questions about election
20 procedures and observe the elections process.

21 (B) You have the right to ask questions of the precinct board
22 and election officials regarding election procedures and to receive
23 an answer or be directed to the appropriate official for an answer.
24 However, if persistent questioning disrupts the execution of their
25 duties, the board or election officials may discontinue responding
26 to questions.

27 (10) You have the right to report any illegal or fraudulent
28 activity to a local elections official or to the Secretary of State's
29 Office.

30 (b) Beneath the Voter Bill of Rights there shall be listed a
31 toll-free telephone number to call if a person has been denied a
32 voting right or to report election fraud or misconduct.

33 (c) The Secretary of State may develop regulations to
34 implement and clarify the Voter Bill of Rights set forth in
35 subdivision (a).

36 (d) The Voter Bill of Rights set forth in subdivisions (a) and (b)
37 shall be made available to the public before each election and on
38 election day, at a minimum, as follows:

39 (1) The Voter Bill of Rights shall be printed in the statewide
40 voter pamphlet, pursuant to Section 9084, in a minimum of

12-point type. Subparagraph (B) of paragraph (5) of subdivision (a) and subparagraph (B) of paragraph (9) of subdivision (a) may be printed in a smaller point type than the rest of the Voter Bill of Rights.

(2) Posters or other printed materials containing the Voter Bill of Rights shall be included in precinct supplies pursuant to Section 14105.

SEC. 2. Section 9084 of the Elections Code is amended to read:

9084. The ballot pamphlet shall contain all of the following:

(a) A complete copy of each state measure.

(b) A copy of the specific constitutional or statutory provision, if any, that each state measure would repeal or revise.

(c) A copy of the arguments and rebuttals for and against each state measure.

(d) A copy of the analysis of each state measure.

(e) Tables of contents, indexes, art work, graphics, and other materials that the Secretary of State determines will make the ballot pamphlet easier to understand or more useful for the average voter.

(f) A notice, conspicuously printed on the cover of the ballot pamphlet, indicating that additional copies of the ballot pamphlet will be mailed by the county elections official upon request.

(g) A written explanation of the judicial retention procedure as required by Section 9083.

(h) The Voter Bill of Rights pursuant to Section 2300.

SEC. 3. Section 13300 of the Elections Code is amended to read:

13300. (a) By at least 29 days before the primary, each county elections official shall prepare separate sample ballots for each political party and a separate sample nonpartisan ballot, placing thereon in each case in the order provided in Chapter 2 (commencing with Section 13100), and under the appropriate title of each office, the names of all candidates for whom nomination papers have been duly filed with him or her or have been certified to him or her by the Secretary of State to be voted for in his or her county at the primary election.

(b) The sample ballot shall be identical to the official ballots, except as otherwise provided by law. The sample ballots shall be

1 printed on paper of a different texture from the paper to be used for
2 the official ballot.

3 (c) One sample ballot of the party to which the voter belongs,
4 as evidenced by his or her registration, shall be mailed to each
5 voter entitled to vote at the primary who registered at least 29 days
6 prior to the election not more than 40 nor less than 10 days before
7 the election. A nonpartisan sample ballot shall be so mailed to each
8 voter who is not registered as intending to affiliate with any of the
9 parties participating in the primary election, provided that on
10 election day any person may, upon request, vote the ballot of a
11 political party if authorized by the party's rules, duly noticed to the
12 Secretary of State.

13 SEC. 4. Section 14105 of the Elections Code is amended to
14 read:

15 14105. The elections official shall furnish to the precinct
16 officers all of the following:

17 (a) Printed copies of the indexes.

18 (b) Necessary printed blanks for the roster, tally sheets, lists of
19 voters, declarations, and returns.

20 (c) Envelopes in which to enclose returns.

21 (d) Not less than six nor more than 12 instruction cards to each
22 precinct for the guidance of voters in obtaining and marking their
23 ballots. On each card shall be printed necessary instructions and
24 the provisions of Sections 14225, 14279, 14280, 14287, 14291,
25 14295, 15271, 15272, 15273, 15276, 15277, 15278, 18370,
26 18380, 18403, 18563, and 18569.

27 (e) A digest of the election laws with any further instructions
28 the county elections official may desire to make.

29 (f) An American flag of sufficient size to adequately assist the
30 voter in identifying the polling place. The flag is to be erected at
31 or near the polling place on election day.

32 (g) A ballot container, properly marked on the outside
33 indicating its contents.

34 (h) When it is necessary to supply additional ballot containers,
35 these additional containers shall also be marked on the outside,
36 indicating their contents.

37 (i) Sufficient ink pads and stamps for each booth. The stamps
38 shall be one solid piece and shall be made so that a cross (+) may
39 be made with either end. If ballots are to be counted by vote
40 tabulating equipment, an adequate supply of other approved

1 voting devices shall be furnished. All voting stamps or voting
2 devices shall be maintained in good usable condition.

3 (j) When a candidate or candidates have qualified to have his
4 or her or their names counted pursuant to Chapter 7 (commencing
5 with Section 15350) of Division 15, a sufficient number of ink
6 pens or pencils in the voting booths for the purpose of writing in
7 on the ballot the name of the candidate or candidates.

8 (k) A sufficient number of cards to each polling place
9 containing the telephone number of the office to which a voter may
10 call to obtain information about his or her precinct location. The
11 card shall state that the voter may call collect during polling hours.

12 (l) An identifying badge or insignia for each member of the
13 precinct board. The member shall print his or her name and the
14 precinct number thereon and shall wear the badge or insignia at all
15 times in the performance of duties, so as to be readily identified as
16 a member of the precinct board by all persons entering the polling
17 place.

18 (m) Facsimile copies of the ballot containing ballot measures
19 and ballot instructions printed in Spanish or other languages as
20 provided in Section 14201.

21 (n) Sufficient copies of the notices to be posted on the indexes
22 used at the polls. The notice shall read as follows: "This index shall
23 not be marked in any manner except by a member of the precinct
24 board acting pursuant to Section 14297 of the Elections Code. Any
25 person who removes, tears, marks, or otherwise defaces this index
26 with the intent to falsify or prevent others from readily
27 ascertaining the name, address, or political affiliation of any voter,
28 or the fact that a voter has or has not voted, is guilty of a
29 misdemeanor."

30 (o) A roster of voters for each precinct in the form prescribed
31 in Section 14107.

32 (p) In addition, the elections official may, with the approval of
33 the board of supervisors, furnish the original books of affidavits of
34 registration or other material necessary to verify signatures to the
35 precinct officers.

36 (q) Printed copies of the Voter Bill of Rights, as supplied by the
37 Secretary of State. The Voter Bill of Rights shall be conspicuously
38 posted both inside and outside every polling place.

39 This section shall become operative on January 1, 1990.

1 SEC. 5. Section 14105.3 is added to the Elections Code, to
2 read:

3 14105.3. (a) The federal Help America Vote Act of 2002
4 (P.L. 107-252) requires voting information to be publicly posted
5 at each polling place on the day of each election for federal office.
6 Voting information is defined as including general information on
7 voting rights under applicable federal and state laws, including
8 information on the right of an individual to cast a provisional ballot
9 and instructions on how to contact the appropriate officials if these
10 rights are alleged to have been violated.

11 (b) The Secretary of State shall print posters and other
12 appropriate materials setting forth the voter rights listed in Section
13 2300. The posters shall be printed in as many languages as the
14 Secretary of State determines are necessary, but, at a minimum, in
15 sufficient languages to comply with Section 14201 and with the
16 federal Voting Rights Act of 1965, as amended by Public Law
17 94-73. The Secretary of State shall distribute the posters and
18 materials to all county elections officials sufficiently in advance of
19 statewide elections.

20 SEC. 6. Notwithstanding Section 17610 of the Government
21 Code, if the Commission on State Mandates determines that this
22 act contains costs mandated by the state, reimbursement to local
23 agencies and school districts for those costs shall be made pursuant
24 to Part 7 (commencing with Section 17500) of Division 4 of Title
25 2 of the Government Code. If the statewide cost of the claim for
26 reimbursement does not exceed one million dollars (\$1,000,000),
27 reimbursement shall be made from the State Mandates Claims
28 Fund.

